

LEGAL SEPARATION WITHOUT CHILDREN For Respondent Only

3

Respond

**Part 3: Respond to a Petition for Legal Separation
(Forms Packet)**



SELF-SERVICE CENTER

LEGAL SEPARATION WITHOUT CHILDREN

Part 3: Respond to a Petition for Legal Separation (Forms Only)

How to assemble these documents

This packet contains court forms to respond to a "Petition for Legal Separation - Without Children." Be sure the documents are in the following order:

Order	File Number	Title	No. Pp.
1	DRLSA3ft	Table of forms in this packet	1
2	DRLSA3k	Checklist to file for legal separation	1
3	DRLSA31f	<i>"Response to Petition for Legal Separation-- Without Children"</i>	6
4	DRAD10f	<i>"Alternative Dispute Resolution Statement to the Court"</i>	2

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SELF SERVICE CENTER

**RESPONSE TO PETITION AND PAPERS
FOR LEGAL SEPARATION WITHOUT CHILDREN**

CHECKLIST

Use the forms and instructions in this packet only if the following factors apply to your situation:

- ✓ You want to file a response to a Petition for Legal Separation, **AND**
- ✓ You and your spouse have no children with each other AND the wife is not pregnant by the husband or will not be pregnant by the husband before the judge signs the Legal Separation Decree, **AND**
- ✓ You do not agree with what your spouse wrote in the Petition.

READ ME: It is very important for you to know that when you sign a court document, you may be helping or hurting your court case. Before you sign any court document, or get involved with a court case, it is important that you see a lawyer to make sure you are doing the right thing. The Self-Service Center has a list of lawyers who can give you legal advice and can help you on a task-by-task basis for a fee. If you want to know more about our list of lawyers and our list of mediators, ask the Self-Service Center staff.

Name of Person Filing Document: _____
Your Address: _____
Your City, State, Zip Code: _____
Your Telephone Number: _____
ATLAS #: (if applicable) _____
Representing ☐ Self or Attorney for ☐ Petitioner or ☐ Respondent

SUPERIOR COURT OF ARIZONA MARICOPA COUNTY

(Name of Petitioner)

Case Number: _____

RESPONSE TO PETITION FOR LEGAL SEPARATION WITHOUT CHILDREN

(Name of Respondent)

STATEMENTS MADE TO THE COURT, UNDER OATH: GENERAL INFORMATION

1. ABOUT MY SPOUSE, THE PETITIONER

Name: _____
Address: _____
Date of Birth: _____ Social Security Number: _____
Occupation: _____
Starting with today, number of months/years in a row, my spouse has lived in Arizona: _____

2. ABOUT ME, THE RESPONDENT

Name: _____
Address: _____
Date of Birth: _____ Social Security Number: _____
Occupation: _____
Starting with today, number of months/years in a row, I have lived in Arizona: _____

3. ABOUT OUR MARRIAGE

Date of Marriage: _____
City and state or country where we were married: _____

4. ABOUT THE LEGAL SEPARATION

- ☐ I want to be legally separated from my spouse, OR
☐ I do not want to be legally separated from my spouse because my marriage is over and I want to be divorced.

INFORMATION ABOUT PROPERTY AND DEBTS

Instructions: You must be specific. You must describe the property and debt that should go to you or be paid by you and then check the box. You must then describe the property and debt that should go to or be paid by your spouse, and check the box. For example, under household furnishings you could say, blue and white living room sofa, and then check the box to say whether it should go to you or to your spouse. Never list an item and check both the Petitioner and the Respondent box.

5.a. COMMUNITY PROPERTY: (check one box)

- ☐ My spouse and I did not acquire any community property during the marriage, OR
☐ My spouse and I acquired community property during our marriage, and we should divide it as follows:

Description of property/ Value of property:	My Spouse, Petitioner	Me, Respondent
<input type="checkbox"/> Real estate at: _____ Legal Description: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> _____ Real estate at: _____ Legal Description: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Household furniture and appliances: _____ _____ _____ _____	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<input type="checkbox"/> Household furnishings: _____ _____ _____ _____	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<input type="checkbox"/> Other items: _____ _____ _____	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
DESCRIPTION OF PROPERTY/ VALUE OF PROPERTY:		
<input type="checkbox"/> Pension/retirement fund/profit sharing/stock plan/401K: _____ _____	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>

	My Spouse, Petitioner	Me, Respondent
<input type="checkbox"/> Motor vehicles:		
Make: _____	<input type="checkbox"/>	<input type="checkbox"/>
Model: _____		
VIN Number: _____		
Lien Holder: _____		
 Make: _____	<input type="checkbox"/>	<input type="checkbox"/>
Model: _____		
VIN Number: _____		
Lien Holder: _____		

5.b. SEPARATE PROPERTY. (Check all boxes that apply.)

- ☐ I do not have any property that I brought into the marriage or separate property.
- ☐ My spouse, the Petitioner does not have any property that he or she brought into the marriage or separate property.
- ☐ I have property that I brought into the marriage or I have separate property. I want this property awarded to me as described it below.
- ☐ My spouse, the Petitioner, has property that he or she brought into the marriage or has separate property. I want this property awarded to my spouse as described below.

Separate Property: (List the property and the value of the property, and check the box to tell the Court who should get the property.)

Description of Property/ Value of Property	My Spouse, Petitioner	Me, Respondent
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>

6.a. COMMUNITY DEBTS: (check one box)

- ☐ My spouse and I did not incur any community debts during the marriage, OR
- ☐ We should divide the responsibility for the debts incurred during the marriage as follows:

Description of debt/ Amount of debt:	My Spouse, Petitioner	Me, Respondent
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>

6.b. SEPARATE DEBTS. (Check all boxes that apply.)

- ☐ My spouse and I do not have any debts that were incurred prior to the marriage or separate debt,
OR
- ☐ I have separate debt or debt that I incurred prior to the marriage that should be paid by me as described below:

- ☐ My spouse has separate debt or debt that he or she incurred prior to the marriage that should be paid by my spouse as described below:

Description of debt/ Amount of debt:	My Spouse, Petitioner	Me, Respondent
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>

7. TAX RETURNS: (Check this box if this is what you want).

☐ After the Judge or Commissioner signs the Decree of Legal Separation, we will pay federal and state taxes as follows: For previous years the parties will file joint federal and state income tax returns. In addition, for previous calendar years, both parties will pay and hold the other harmless from 1/2 of all additional income taxes if any and other costs, and each will share equally in any refunds.

For this calendar year (the year that the Decree is signed) and all future calendar years, each party will file
☐ Joint Tax Returns or ☐ Separate Tax Returns.

8. SPOUSAL MAINTENANCE (ALIMONY) (check the box that applies to you):

- ☐ Neither party is entitled to Spousal Maintenance/support (alimony), **OR**
☐ Petitioner ☐ Respondent is entitled to Spousal Maintenance/support because: (Check one or more of the box(es) below that apply. At least one reason must apply to get spousal maintenance/support.)
- ☐ Person lacks sufficient property to provide for his or her reasonable needs;
☐ Person is unable to support himself/herself through appropriate employment;
☐ Person is the custodian of a child(ren) whose age or condition is such that the person should not be required to seek employment outside the home;
☐ Person lacks earning ability in the labor market adequate to support himself or herself; and,
☐ Person contributed to the educational opportunities of the other spouse or had a marriage of long duration and is now of an age that precludes the possibility of gaining employment adequate to support himself/herself.

9. PREGNANCY

- ☐ Wife is not pregnant, **OR**
☐ Wife is pregnant
The baby is due on _____ (date), (and, check one box below):
☐ The Petitioner and Respondent are the parents of the child, **OR**
☐ Petitioner is not the parent of the child, **OR**
☐ Respondent is not the parent of the child.

WARNING. If wife is pregnant and the Petitioner and the Respondent are the parents of the child, **STOP. YOU MUST FILE THE PAPERS FOR LEGAL SEPARATION WITH CHILDREN.**

10. SUMMARY OF WHAT I ASKED FOR THAT IS DIFFERENT FROM WHAT MY SPOUSE ASKED FOR IN THE PETITION: (Here summarize what is different between you want and what your spouse asked for.)

11. **CONCILIATION.** ☐ True or ☐ False. (Check one box.) The conciliation requirements under Arizona law either do not apply or have been met. (This must be a true statement or you cannot file for Legal Separation.)
12. **GENERAL DENIAL:** I deny anything stated in the Petition that I have not specifically admitted, qualified, or denied.

REQUESTS TO THE COURT:

- A. **LEGALLY SEPARATE OR CHANGE TO DIVORCE:** ☐ Legally separate the parties or ☐ Change this case to a divorce case because my marriage is over and either I or my spouse have lived in Arizona for the last 90 days.
- B. **SPOUSAL MAINTENANCE/SUPPORT (ALIMONY):**
☐ Order spousal maintenance/support to be paid by ☐ Petitioner, or ☐ Respondent through the Clerk of the Court/Clearinghouse in the amount of _____ per month, and the statutory fee, beginning with the first day of the month after the judge or commissioner signs the Decree of Legal Separation and continuing until the person receiving the spousal maintenance/support is deceased, or for _____ months.
- C. **COMMUNITY PROPERTY:** ☐ Make a fair division of all community property as requested in this Response.
- D. **COMMUNITY DEBTS:** ☐ Order each party to pay community debts as requested in this Response, and to pay any other community debts unknown to the other party. Order each party to pay and hold the other party harmless from debts incurred by him or her since the parties separation on (date): _____
- E. **SEPARATE PROPERTY AND DEBT:** ☐ Award each party his/her separate property and debt.
- F. **OTHER ORDERS I AM REQUESTING (Explain request here):**

OATH AND VERIFICATION OF RESPONDENT:

STATE OF ARIZONA)

County of Maricopa)

I, the Respondent, being duly sworn and under oath, state that I have read this Response. All the statements are true, correct, and complete to the best of my knowledge and belief.

SIGNED: _____
Respondent's Signature

Subscribed and sworn to before me this date _____, by _____.
(Respondent's name)

NOTARY PUBLIC: _____

My Commission Expires:

Copy of the foregoing mailed to
the other party or his or her attorney on
_____ at
month/day/year

the following address:

ATLAS Number (if applicable): _____
Attorney for Petitioner: (if applicable) _____
Attorney's Bar Number and Email (if applicable) _____
Attorney for Respondent: (if applicable) _____
Attorney's Bar Number and Email (if applicable) _____

**THE SUPERIOR COURT OF ARIZONA
IN MARICOPA COUNTY
FOR USE IN FAMILY COURT CASES ONLY**

Name of Petitioner (Please PRINT)

Case Number: _____

**ALTERNATIVE DISPUTE RESOLUTION
STATEMENT TO THE COURT
A.R.C.P. 16(g)(2)**

Name of Respondent (Please PRINT)

Check Appropriate Box Below:

- ☐ Petitioner's Statement
☐ Respondent's Statement
☐ Joint Statement (signed by both parties)

As required by Rule 16(g)(2) of the Arizona Rules of Civil Procedure, and under penalty of perjury, the responses below are true to the best of my/our knowledge and belief.

1. Have you and the other party discussed, in person or by telephone, the possibility of settling your case, and whether you might benefit from participating in some form of alternative dispute resolution (ADR)? (Check only one.)

☐ (a) YES, and I/we have checked our ADR choices under Number 2, on page 2.

☐ (b) YES, but we are not sure which ADR option best fits our situation. (Go to Number 2.)

☐ (c) YES, but I/we feel ADR would not be appropriate because: (Check all that apply.)

- ☐ A court Order of Protection or Injunction Against Harassment prohibiting contact is in effect.
☐ There is a fear of violence.
☐ Other reasons (Please Explain): _____

☐ (d) NO, we have not discussed because: (Check all that apply. Then go to Number 2.)

- ☐ A court Order of Protection or Injunction Against Harassment prohibiting contact is in effect.
☐ There is a fear of violence.
☐ Other reasons (Please Explain): _____

2. Please indicate in the next section which ADR option(s), *if any*, you prefer. Only check boxes in the column that is appropriate for you: If you are the Petitioner, only check boxes in the column for the Petitioner; if you are the Respondent, only check boxes in the column for the Respondent. If both parties are signing this document, make sure each party checks only their own choices. If both boxes are checked, the Court assumes you both agree to that option.

See the separate instructions for an explanation of each of these options.

I am/we are unsure which ADR option is best for our situation. I/we request a (free) conference with a court appointed ADR specialist to discuss options.	Petitioner	Respondent
	<input type="checkbox"/>	<input type="checkbox"/>
Court Sponsored: We wish to use the court sponsored ADR services below.		
Mediation of custody and/or parenting time through Conciliation Services	<input type="checkbox"/>	<input type="checkbox"/>
Expedited Services for child support, spousal maintenance, custody, parenting time (visitation), grandparent visitation	<input type="checkbox"/>	<input type="checkbox"/>
Settlement conference using a judicial officer	<input type="checkbox"/>	<input type="checkbox"/>
Private ADR: We wish to hire and pay for the private ADR services below.		
Mediation of all disputed issues using a <u>private</u> ADR provider	<input type="checkbox"/>	<input type="checkbox"/>
Arbitration of all disputed issues using a <u>private</u> ADR provider	<input type="checkbox"/>	<input type="checkbox"/>
Settlement conference using a <u>private</u> ADR provider	<input type="checkbox"/>	<input type="checkbox"/>
Other <u>private</u> ADR services. What type? _____	<input type="checkbox"/>	<input type="checkbox"/>

3. If any private ADR services were checked above, the name, address and phone number of that private provider, **if known at this time**, is:

Name

Address

Address cont.

Phone

4. We expect to complete the ADR service(s) (court provided or private) by: _____.
Month/Day/Year

Sign and print **your own** name below. **DO NOT** write the **other party's** name or signature.

Petitioner's Signature

Date

Respondent's Signature

Date